

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

Meeting No. 157

June 10, 2004

1.0 CALL TO ORDER/ROLL CALL

Chair Wilder called the meeting to order at 7:00 p.m. Roll call was taken.

William Conwell - Atherton

Phil Mathewson - Belmont

Lee Panza - Brisbane/San Mateo County Transportation Authority

Rosalie O'Mahony - Burlingame

Deborah Wilder - Foster City

Nicholas Jellins - Menlo Park (8:20 left)

Nadia Holoher - Millbrae

Jim Vreeland - Pacifica

Diane Howard - Redwood City (7:10)

Don Eaton - San Carlos

Sue Lempert - San Mateo

Rose Jacobs-Gibson - County of San Mateo (7:10)

Joseph Fernekes - South San Francisco

Deborah Gordan - Woodside

Absent:

Colma

Daly City

East Palo Alto

Half Moon Bay

Hillsborough

Portola Valley

San Bruno

Others:

Richard Napier, Executive Director, C/CAG

Nancy Church, Administrative Assistant, C/CAG

Lee Thompson, Legal Counsel

Miruni Soosaipillai, Legal Counsel

Walter Martone, C/CAG

Geoff Kline, C/CAG

Sandy Wong, C/CAG

Dave Carbone, C/CAG

Brian Lee, San Mateo County

Howard Goode, San Mateo County TA

Onnalee Trapp, CMAQ Committee, League of Women Voters of San Mateo County

Pat Dixon, SMCTA, CAC

3.0 ANNOUNCEMENTS/PRESENTATIONS

Lee Thompson, County Counsel, introduced Miruni Soosaipillai. Consistent with the San Mateo County Counsel's reallocation of assignments, Miruni Soosaipillai will be replacing Lee Thompson as C/CAG's Legal Counsel.

3.1 Presentation on C/CAG Web Page

C/CAG staff gave a presentation of the newly developed and on-line C/CAG Web Page. The web address is www.CCAG.ca.gov. Staff addressed questions and noted suggestions and ideas Board Members had for the site.

4.0 CONSENT AGENDA

Board Member O'Mahony MOVED approval of Consent Agenda. Board Member Lempert SECONDED. **MOTION CARRIED** 14-0.

- 4.1 Approval of Minutes of Regular C/CAG Meeting No. 156 of May 13, 2004.
- 4.2 Review and approval of minor correction to the C/CAG 2004-05 Program Budget.
- 4.3 Review and approval of Non Disposal Facility Elements (NDFE); Facility Amendments.
- 4.4 Update on Second Cycle Federal Funding for FY 2005/06 and FY 2006/07 for Surface Transportation Program (STP) Local Streets and Roads Shortfall Process.
- 4.5 Review and approval of Resolution 04-10 authorizing the C/CAG Chair to execute an agreement with Intergraph Mapping and Geospatial Solutions for the acquisition and maintenance of software to support Geographical Information Systems (GIS) applications for a one-time cost of \$7,495 and an annual fee for FY 04-05 of \$1,500.
- 4.6 Review and approval of Resolution 04-11 authorizing the C/CAG Chair to execute extensions to the Local Service Projects (shuttle programs) through December 31, 2004 for a total additional cost not to exceed \$83,894 in order to allow for an evaluation of the program.
- 4.7 Review and approval of Resolution 04-12 authorizing the C/CAG Chair to execute an extension to the shuttle management agreement with Peninsula Traffic Congestion Relief Alliance through June 30, 2005 with no increase in funding.

5.0 REGULAR AGENDA

- 5.1 Update on Transportation Authority Approved Draft Transportation Expenditure Plan.

INFORMATION

The Transportation Authority (TA) and C/CAG staff have diligently met with the individual cities rallying support for the Plan. The current level of support is 15-0. This will be wrapped up within then next two weeks. Optimistically, the Plan will be approved to be on the ballot by the next C/CAG Board meeting on August 12, 2004.

- 5.2 Review and approval of C/CAG Legislative positions and Legislative update. **APPROVED**
(A position may be taken on any legislation, including legislation not previously identified.)

A list of bills being tracked by C/CAG's Legislative Committee and their Lobbyist was provided.

The Legislative Committee did not have a quorum for their 6/10/04 meeting. Therefore, the individual members of the Committee provided an informal recommendation on the bills. The following position on three bills was recommended:

- A "support" position on AB 2107, which plugs up the loophole in the use tax laws relative to purchases of yachts and airplanes. This would change the tax exemption law from three months to one year.
- A "support" position SB1089, which is an existing program for water pollution control. This bill would extend the program to allow for NPDES programs to be granted.
- An "oppose" position SB1815. This bill mandates a refund of building permit fees, if an inspection is not provided within 60 days.

Board Member Panza MOVED approval of Consent Agenda. Board Member Lempert SECONDED.
MOTION CARRIED 14-0

- 5.3 Introduction of a proposed amendment to the 1996 San Mateo County Comprehensive Airport Land Use Plan (CLUP), as amended to (1) revise the configuration of the airport influence area (AIA) boundary for San Carlos Airport and (2) redefine the structure of the ALUC/ C/CAG airport/ land use compatibility review process. (No action required.) **INTRODUCTION**

Dave Carbone, C/CAG staff, provided a presentation and summarized the details of the proposed amendment as recommended by the C/CAG Airport Land Use Committee (ALUC). As noted, this is the introduction phase of the C/CAG review process (in its role as the Airport Land Use Commission). This is a proposed amendment to a Countywide plan and therefore, no action by the C/CAG Board can be taken at this time. Board action on this proposal will be taken at a subsequent C/CAG meeting.

Several Board Members expressed their concerns about the real estate disclosure element of the proposed CLUP amendment. Mr. Carbone explained the real estate disclosure provision in the proposed CLUP amendment reflects current state law that became effective 1/01/04. The purpose of the disclosure law was to require a notification mechanism in real property transactions to inform the buyer that the subject property is located near an airport, within an airport influence area, and it may be subject to certain aircraft overflight impacts and those impacts should be considered by the buyer, as part of the real estate transaction process. This information is similar to the natural hazard disclosure information in real estate transactions.

Members also had concerns about the size and configuration of the proposed airport influence area (AIA) boundary and questioned the criteria on which the proposed boundary was based. As explained, ALUC reviewed San Carlos Airport air traffic radar data for a one-year period (9/08/00 to 9/08/01) that graphically illustrated the large geographic coverage of San Carlos Airport-related aircraft flight paths up to 2,000 feet above ground level. The geographic extent of the flight path radar data (aircraft overflight area) was the basis for ALUC's recommended AIA boundary. Staff also commented on the state-mandated airport/land use compatibility criteria (height of structures/ airspace protection, aircraft noise impacts, and safety concerns), as contained in the current CLUP for

San Carlos Airport and how those criteria and the real estate disclosure provision would be applied within the proposed AIA boundary.

It was asked if the ALUC Members considered aircraft noise complaints as a criterion to help the committee define the proposed boundary? Staff explained aircraft noise complaints were discussed by ALUC, but were not used as a criterion to define the proposed AIA boundary. Mr. Carbone further explained noise complaints are very subjective and do not correlate well with radar flight path data. Other factors that affect noise complaints are seasonal considerations (wind and weather conditions), aircraft type, time of day, etc. It was indicated that the radar flight path data is a rational reliable source of information to identify aircraft flight paths and related overflight impacts.

After further comment and discussion of the rationale and of the merits of the proposed AIA boundary, the C/CAG Board asked County Counsel Staff and C/CAG Staff to provide Members with additional information regarding Simitian's bill.

5.4 Review and approval of Proposed By-Law Revisions

Nominations for the new Vice Chair position will be accepted and an election will be conducted at the August 12, 2004 C/CAG Board meeting. Richard Napier, Executive Director, was asked to transmit a request for Letters of Interest to the C/CAG Board Members for the new office of Vice Chair (having two equal Vice Chairs was approved at the 5/10/04 Board meeting). All responses to this new position will be forwarded the C/CAG Members prior to the August 12th meeting.

It was noted the current C/CAG Chair, Deborah Wilder, and the current Vice Chair, Mike King, will continue to serve until March 2005. Chair Wilder acknowledged that her term as C/CAG Chair would be complete and she will not seek re-election at the end of her term of office.

Board Member Conwell MOVED to approve the amendments to Sections 1 through 10 of the Bylaws as proposed by C/CAG Counsel Lee Thompson. Board Member O'Mahony SECONDED. **MOTION CARRIED** unanimously 13-0.

Board Member Lempert MOVED to approve the addition of a new Section 11 to the Bylaws as proposed by C/CAG Counsel Lee Thompson. Board Member Gordan SECONDED.

A Super Majority Vote was taken by roll call. Results: 13 Agencies approving. **MOTION CARRIED** unanimously 13-0. This represents 62% of the Agencies representing 67% of the population.

6.0 COMMITTEE REPORTS

6.1 Committee Reports (oral reports).

6.2 Chairpersons Report.

No report other than indicating numerous letters have been written as indicated in Item 8.0.

7.0 EXECUTIVE DIRECTORS REPORT

C/CAG currently has an agreement with MTC to receive funding of \$50,000 for community-based transportation planning for the City of East Palo Alto. SamTrans has been contracted to carry out the project. The project is taking longer than planned. Approximately six years ago C/CAG adopted a policy that authorizes the Executive Director, with the approval of the Chair, to authorize minor amendments to agreements providing it does not change the cost greater than 10%. C/CAG has received a request for an extension, with no change in scope of work or change in dollar amount. Basically it provides more time to make certain C/CAG receives the money for the project. Therefore, with the Chair's approval, Richard Napier will be signing a one-page extension regarding the time.

As promised at the May C/CAG Board meeting, the County Counsel provided a copy of the Rules of Conduct of Business, which is included in the packet as Item 8.9.

8.0 COMMUNICATIONS - Information Only

- 8.1 Letter from Richard Napier, C/CAG - Executive Director, to Honorable Dianne Feinstein, U.S. Senator, to Barbara Boxer, U.S. Senator, dated 5/07/04. Re: Funding for Bay Road.
- 8.2 Letter from Richard Napier, C/CAG - Executive Director, to Chris McKenzie, League of California Cities - Executive Director, dated 5/19/04. Re: Support for ACA 10 - Storm Sewer Program Clarification.
- 8.3 Letter from Honorable Gene Mullin, Assemblymember - Nineteenth District, to Honorable Deborah Wilder, C/CAG - Chair, dated 5/11/04. Re: Position on AB 392.
- 8.4 Letter from Richard Napier, C/CAG - Executive Director, to Macias Gini and Company, dated 5/12/04. Re: Staff comments on Transportation Fund for Clean Air Program Manager Audit. p. 105
- 8.5 Letter from Deborah E.G. Wilder, C/CAG Chair, to Honorable Jeff Ira, Mayor, City of Redwood City, dated 5/17/04. Re: C/CAG Board/Airport Land Use Commission Action: Airport Land Use Compatibility Review/Action on the Proposed Land Use Policy Actions for the Proposed Marina Shores Village Project Near the San Carlos Airport.
- 8.6 Letter from Deborah E.G. Wilder, C/CAG Chair, to State Senator Jackie Speier, to State Senator Byron Sher, to Assemblymember Joe Simitian, to Assemblymember Eugene Mullin, to Assemblymember Leland Yee, dated 5/19/04. Re: Support for Local Government Budget Package.
- 8.7 Letter from Deborah E.G. Wilder, C/CAG Chair, to Assemblymember Joe Simitian, to Assemblymember Eugene Mullin, to Assemblymember Leland Yee, dated 5/19/04. Re: Opposition to AB 2702 (Steinberg) Housing - Second Units.
- 8.8 Letter from Deborah E.G. Wilder, C/CAG Chair, to David Crane, Special Advisor to the Governor, dated 5/19/04 and 5/25/04 Re: Support for ACA 10 - Storm Sewer Program Clarification.
- 8.9 Rules of Conduct of Business.

9.0 MEMBER COMMUNICATIONS

Board Member Conwell noted Hiller Aviation Museum, located at the San Carlos Airport, would be having their Annual Day on June 12, 2004. Encouraged attendance.

10.0 ADJOURN

Meeting adjourned at 8:45 p.m.